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REMARKS/ARGUMENTS

This reply is in response to the Office Action dated July 10, 2006. Claims 56-111 are pending in the application and stand rejected. Entry of the foregoing amendment and reconsideration of the claims is respectfully requested.

Applicant has amended claims 100-103 to avoid any duplication with claims 69-72 for reasons stated by the Examiner. Accordingly, those amendments are not presented to distinguish a reference or directed to the patentability of the invention. Those proposed amendments are also not intended to narrow the claims or otherwise limit the scope of equivalents thereof. Therefore, claims 100-103 as amended are entitled to a full range of equivalents.

Claims 56-111 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lue et al. (U.S. Patent No. 6,255,426; hereafter "Lue") in view of Wong et al. (U.S. Patent No. 6,358,457; hereafter "Wong") and Takahashi et al. (EP Patent No. 982 362; hereafter "Takahashi"). The Examiner states "Lue et al fail to explicitly teach that the film has a particular natural draw ratio, and tensile stress at separate elongation values. ... Wong et al teach that the natural stretch ratio is determined by factors such as polymer composition, morphology caused by the process of forming the film." The Examiner, therefore, concludes that "it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made, since the film is formed of the same composition and made by the same process, would obviously have a natural draw ratio of the film of at least 300%, a tensile stress at the natural draw ratio of at least 26MPa, a tensile stress at the second yield of at least 14MPa, a tensile stress at first yield of at least 9MPa, and the film obviously has a yield plateau with a linear portion having a slope of at least 0.020 MPa per elongation, as taught by Wong et al."

Applicant respectfully disagrees and traverses the rejection. The films of Lue are not made of the same compositions as the claimed invention. The Examiner is ignoring a key component of the claimed invention- the presence of a layer having one or more tackifiers. The Examiner has failed to recognize that the presence of tackifier(s) changes the properties of a multilayer film.

As stated in the specification and referring to the Applicant's publication (Ohlsson, US 2004/0048019 A1) at paragraph [0002], the present invention is directed to polyethylene stretch

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films. The term "stretch films" refers to a monolayer or multilayer film capable of stretching and applying a restoring force. See, Ohlsson at paragraph [0187]. The actual films, whether monolayer or multilayer, can have different overall properties depending upon the additives used, the polymers used, and the number and characteristics of different film layers. See, Id. at paragraph [0195]. For stretch film applications, tackifier is used in one or more layers to provide a cling force. See, Id. at paragraph [0188]. Therefore, stretch films that include tackifiers have different overall properties than films without. Such films without, including those of Lue, do not inherently exhibit the same overall properties as the films that do include tackifier, especially the properties of natural draw ratio, tensile stress at second yield and tensile stress at the natural draw ratio.

Contrary to the Examiner's assertions, the claimed properties of a multilayer film having one or more layers with one or more tackier(s) are not "latent properties" of a multilayer film without, i.e. the films of Lue. The claimed film provides a combination of a large natural draw ratio, a large tensile stress at second yield, large tensile stress at the natural draw ratio, and a positive yield plateau slope large enough to absorb typical variations in film thickness uniformity without tiger striping. See, Id. at paragraph [0007]. This has not been taught, shown or suggested in the cited prior art.

Furthermore, it has been surprisingly found that films of the claimed invention exhibit the claimed properties without suffering from local deformation leading to break, hole formation, tiger striping, or other defects. Id. at paragraph [0170]. Films of the claimed invention also show higher holding force than conventional films of the same film thickness. Id. Example 5 and Figures 2A and 2B show objective evidence of this conclusion. Therefore, there is no teaching, showing, or suggestion from the prior art to support the Examiner's assertion that the claimed properties of a multilayer film with tackifier are inherent in a multilayer film without.

Regarding the Examiner's statement, "Wong is not used to modify Lue, only to teach that Lue either already teaches the claimed limitations or that it would be obvious to one having ordinary skill in the art to change parameters of the composition and method to arrive at the different tensile stresses and draw ratios depending on the intended end result of the article." Applicant disagrees.

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Lue does not teach, show, or suggest a multilayer stretch film comprising one or more tackifiers. Lue also does not teach, show or suggest a multilayer film having a particular natural draw ratio, and tensile stress at separate elongation values, as noted by the Examiner. Wong also makes no mention of either. Particularly, Wong makes no mention of stretch films and Wong makes no mention of a film having a natural draw ratio of at least 250%, a tensile stress at the natural draw ratio of at least 22 MPa, and a tensile stress at second yield of at least 12 MPa, as recited in every claim.

It is irrelevant whether Wong teaches that the natural stretch ratio is determined by factors such as polymer composition and morphology caused by the process of forming the multilayer film. As stated above, multilayer stretch films that include tackifiers have different overall properties than films without, and films without do not exhibit the same overall properties as the films that do include tackifier, especially the properties of natural draw ratio, tensile stress at second yield and tensile stress at the natural draw ratio. Therefore, a combination of Wong and Lue does not teach, show or suggest the claimed invention since the combination of the references make no mention of a multilayer film having one or more tackifiers.

Furthermore, Applicant has shown that without such improper modification of Lue, Lue does not teach, show or suggest the claimed properties of multilayer films having tackifier(s). Furthermore, the Examiner could have never arrived at this conclusion without the Applicant's own specification. As mentioned above, Lue makes no mention of tackifiers. Applicant has shown how the presence of tackifiers changes the properties of multilayer films, and the Examiner has provided no evidence from the prior art or literature to support an argument that the films of Lue obviously or inherently have the same properties of the claimed multilayer films. Therefore, the Examiner is trying to modify Lue to include the tackifiers of Wong, which is nothing more than an impermissible hindsight reconstruction of the claimed invention.

Regarding Takahashi, the Examiner states "that it is well known in the art to add tackifiers or cling additives such as low molecular weight polyisobutylene (PIB) in order to provide the packaging film with cling properties." The Examiner further states, "Therefore, one of ordinary skill in the art would have recognized that tackifiers such as PIB are added to at least one of the layers of the stretch film in order to provide the packaging film with cling properties, as taught by Takahashi." The Examiner then concludes that "it would have been obvious to one

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having ordinary skill in the art at the time Applicant's invention was made to add a tackifier or cling agent such as PIB to the stretch film of Lue et al and Wong et al, in order to provide the stretch film with cling properties, as taught by Takahashi et al."

Applicant respectfully disagrees. As mentioned, Wong does not teach, show or suggest stretch films. Further, the combination of Lue, Wong and Takahashi makes no mention of the presence and criticality of the tackifier to produce a multilayer film having the claimed combination of a large natural draw ratio, large tensile stress at second yield and at the natural draw ratio, and a positive yield plateau slope large enough to absorb typical variations in film thickness uniformity without tiger striping. The combination of Lue, Wong and Takahashi also provides no direction to arrive at a multilayer film comprising a tackifier and having a combination of a large natural draw ratio, a large tensile stress at second yield and at the natural draw ratio, and a positive yield plateau slope large enough to absorb typical variations in film thickness uniformity without tiger striping. The Examiner has simply pieced together the Applicant's claimed invention with random teachings of the prior art. Therefore, the proposed combination of Wong, Lue and Takahashi is erroneous and cannot support a rejection based on *prima facie* obviousness. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Furthermore, as stated above and as stated in the Applicant's own specification, the claimed invention provides surprising and unexpected results. It has been surprisingly found that multilayer films of the claimed invention exhibit improved properties, such as applicability over a wide range of stretch ratios without suffering from local deformation leading to break, hole formation, tiger striping, or other defects. Also stated above and in the Applicant's specification, the actual films, whether monolayer or multilayer, can have different overall properties depending upon the additives used, polymers used, and the number and characteristics of different film layers, etc. The criticality or direction of the additives used and the number and characteristics of different film layers is not taught or suggested by Wong, Lue or Takahashi or any combination thereof.

Therefore, Applicant has shown that the claimed properties of the claimed film are not "latent properties" as asserted by the Examiner, and the Examiner has provided no evidence to

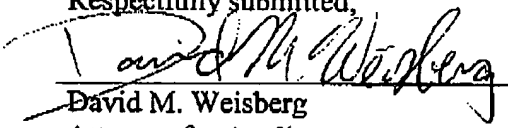
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the contrary except for the Applicant's own specification. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been addressed to the Examiner's satisfaction.

10/9/06
Date

Respectfully submitted,


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